UNITED STATES PATENT AND TRADEMARK OFFICE

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10/656,776	09/04/2003	Fabio Giannetti	B-5184 621133-2	8984

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EXAMINER
PATEL, MANGLESH M

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 18* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This **FINAL** action is responsive to the amendment filed on 1/31/2008.

2.   Claims 1-14 & 18 are pending. Claims 1, 11, 14 and 18 are the independent claims.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

> The claimed invention as a whole must be useful and accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." ****>*State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373-74, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998).< The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96 (1966); *In re Fisher*, 421 F.3d 1365, 76 USPQ2d 1225 (Fed. Cir. 2005); *In re Ziegler*, 992 F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)).

Independent Claim 18 remains rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim describes, "A layout document processor circuit", however according to the specification the layout document processor is software based and fails to describe any support for being construed as an actual hardware element consisting of a processor circuit. Instead the system for authoring content should include the processor circuit to represent a hardware based system. However the claims in their current format fail to specify a hardware element such as a CPU in the system or a computer readable medium for a software system. The claim is not statutory since the system itself only describes a series of abstract steps with no device for implementation or storage for any practical application.

Claim Rejections – 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-14 & 18 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Hyatt (NPL, XBL – XML

Binding language, 2000, W3C, pgs 1-35) in view of DeRose (NPL, XML Pointer Language: Xpointer, 2001, W3C, pgs 1-25)

Further in view of Didier (NPL—Didier's Lab report, 2000, xml.org, pgs 1-5).

Regarding Independent claims 1, 14 & 18, A method, data structure & system of authoring content to be served by a

server comprising:

Authoring on a computing device a layout document which defines at least one area of a document which

includes the content to be published;

Authoring on a computing device at least one binding element which defines the identity and location of at

least a portion of content and, using xpointer syntax, at least one style description file which defines a style to be

applied to a selected portion of content;

In which the step of authoring the layout document includes allocating to the at least one defined area a

director to at least one binding element such that when processed the published document includes in the defined area

the content as directed by the binding element in the style as directed by the binding element

Hyatt teaches the use of XML binding language which is a markup language for creating bindings to elements with

style information using a style sheet (see pg 1, abstract & pg 13, section 1.16 & pg 13-14 section 2.1). The binding

includes reference to content (pg 20, section 4 * pg 4, section 1.2). Thus a binding element supports multiple

definitions in a document (pg 17, section 2.5). Hyatt in page 4 provides the suggestion of using a pointer, he states "The

notation must be used to point to a specific binding id within a binding document", thus the pound symbol is a

xpointer expression provided as a fragment identifier which is a typical method of using Xpointer. Thus Hyatt teaches

the use of binding element that defines the identity and location of a portion of content located within a file/document

by referencing a pointer. Although he provides a suggestion for using a pointer he fails to explicitly show its

application to portions of content located externally using exact Xpointer syntax. DeRose teaches the use of Xpointer

which allows referencing of internal structures for a markup document (see pg 3, section 1). Xpointer allows

examination of internal structure of a markup documents content and location information, thus identifying the location

of a portion of content. Furthermore it defines what areas of a document to publish content because it references the

content with its position/location information. It also teaches its application using a director, such can be seen on page

22, section 5.4.4, wherein the code shows href = "#Xpointer...." Thus the contents location is authored by being

associated with link data using href, Furthermore the director is defined as an attribute format. Although DeRose shows

that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with

Style information. Didier however explicitly shows on page 3 paragraph 3 the application of Xpointer with

implementation of stylesheet/layout information. At the time of the invention it would have been obvious to one of

ordinary skill in the art to modify the binding elements with use of pointers of Hyatt to include reference to external

content and style information using Xpointer of DeRose and Didier. The motivation for doing so would be to save

significant time and memory by reducing the amount of code necessary in the markup document to reference external

content and style information definitions.

Regarding Dependent claim 2, with dependency of claim 2, Hyatt discloses the binding element does not itself

contain any style or content, only containing directors to style or content (see pg 1, abstract & pg 13, section 1.16 & pg

13-14 section 2.1, & pg 20, section 4 & pg 4, section 1.2, including the explanation provided in the Independent

claim).

Regarding Dependent claim 3, with dependency of claim 1, Hyatt discloses the content is provided as an electronic

file which contains a portion of text, or image, or a combination of text and image content (see pg 1, abstract & pg 13,

section 1.16 & pg 13-14 section 2.1, & pg 20, section 4 & pg 4, section 1.2, including the explanation provided in the

Independent claim).

Regarding Dependent claim 4, with dependency of claim 3, Hyatt discloses the file comprises a section of data

written for example in a mark-up language such as XML (see pg 1, abstract & pg 13, section 1.16 & pg 13-14 section

2.1, & pg 20, section 4 & pg 4, section 1.2, including the explanation provided in the Independent claim).

Regarding Dependent claim 5, with dependency of claim 1, Thus Hyatt teaches the use of binding element that

defines the identity and location of a portion of content located within a file/document by referencing a pointer.

Although he provides a suggestion for using a pointer he fails to explicitly show its application to portions of content

located externally using exact Xpointer syntax. DeRose teaches the use of Xpointer which allows referencing of

internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a

markup documents content and location information, thus identifying the location of a portion of content. Furthermore

it defines what areas of a document to publish content because it references the content with its position/location

information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code

shows href = "#Xpointer...." Thus the contents location is authored by being associated with link data using href,

Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier discloses the style description is provided in the form of an electronic file written for example in a mark-up language such as XML (see pg 3, wherein he references style/layout information within xpointer syntax in XML format defined within an XSL). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the binding elements with use of pointers of Hyatt to include reference to external content and style information using Xpointer of DeRose and Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code necessary in the markup document to reference external content and style information definitions.

Regarding Dependent claim 6, with dependency of claim 1, Thus Hyatt teaches the use of binding element that defines the identity and location of a portion of content located within a file/document by referencing a pointer. Although he provides a suggestion for using a pointer he fails to explicitly show its application to portions of content located externally using exact Xpointer syntax. DeRose teaches the use of Xpointer which allows referencing of internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a markup documents content and location information, thus identifying the location of a portion of content. Furthermore it defines what areas of a document to publish content because it references the content with its position/location information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code shows href = "#Xpointer…." Thus the contents location is authored by being associated with link data using href, Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier discloses the director to a binding element provided in the layout document is defined as <u>a style</u> attribute within a section of machine-readable data written in a mark-up language (see pg 3, wherein he explicitly describes the use of the style attribute). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the binding elements with use of pointers of Hyatt to include reference to external content and style information using Xpointer of DeRose and Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code necessary in the markup document to reference external content and style information definitions.

Regarding Dependent claim 7, Thus Hyatt teaches the use of binding element that defines the identity and location of a portion of content located within a file/document by referencing a pointer. Although he provides a suggestion for using a pointer he fails to explicitly show its application to portions of content located externally using exact Xpointer syntax. DeRose teaches the use of Xpointer which allows referencing of internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a markup documents content and location information, thus identifying the location of a portion of content. Furthermore it defines what areas of a document to publish content because it references the content with its position/location information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code shows href = "#Xpointer…." Thus the contents location is authored by being associated with link data using href, Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier discloses more than one style description is provided (pgs 3-4). At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the binding elements with use of pointers of Hyatt to include reference to external content and style information using Xpointer of DeRose and Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code necessary in the markup document to reference external content and style information definitions.

Regarding Dependent claim 8, with dependency of claim 1, Thus Hyatt teaches the use of binding element that defines the identity and location of a portion of content located within a file/document by referencing a pointer. Although he provides a suggestion for using a pointer he fails to explicitly show its application to portions of content located externally using exact Xpointer syntax. DeRose teaches the use of Xpointer which allows referencing of internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a markup documents content and location information, thus identifying the location of a portion of content. Furthermore it defines what areas of a document to publish content because it references the content with its position/location information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code shows href = "#Xpointer…." Thus the contents location is authored by being associated with link data using href, Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier discloses defining a binding element which defines the identity and location of more than one style description or the identity and location of more than one portion of content (pgs 3-4). At the time of the invention it would have been

obvious to one of ordinary skill in the art to modify the binding elements with use of pointers of Hyatt to include

reference to external content and style information using Xpointer of DeRose and Didier. The motivation for doing so

would be to save significant time and memory by reducing the amount of code necessary in the markup document to

reference external content and style information definitions.

Regarding Dependent claim 9, with dependency of claim 1, Hyatt teaches defining two or more binding elements

which direct to a common portion of content or style description (see pg 1, abstract & pg 13, section 1.16 & pg 13-14

section 2.1, & pg 20, section 4 & pg 4, section 1.2, including the explanation provided in the Independent claim).

Regarding Dependent claim 10, with dependency of claim 1, Hyatt teaches more than one binding element is

provided, and the layout document includes a director to some or all of the total number of binding elements (see pg 1,

abstract & pg 13, section 1.16 & pg 13-14 section 2.1, & pg 20, section 4 & pg 4, section 1.2, including the

explanation provided in the Independent claim).

Regarding Independent claim 11, A data structure embodied in a computer-readable medium that is suitable for

processing by a server for serving as a document, the data structure comprising: a layout document which defines at

least one area of a document which includes the content to be published; at least one binding element which defines the

identity and location of at least a portion of content and at least one style description which defines a style to be applied

to a selected potion of content; In which the layout document includes at least one binding element allocated to at least

one of the areas such that when processed the published document includes in the defined area the content as directed

by the binding element in the style as directed by the binding element; whereby the data structure may be rendered on a

device receiving the data structure from the server.

Hyatt teaches the use of XML binding language which is a markup language for creating bindings to elements with

style information using a style sheet (see pg 1, abstract & pg 13, section 1.16 & pg 13-14 section 2.1). The binding

includes reference to content (pg 20, section 4 * pg 4, section 1.2). Thus a binding element supports multiple

definitions in a document (pg 17, section 2.5). Hyatt however fails to specifically show its application to portions of

content located externally using Xpointer. Thus DeRose teaches the use of Xpointer which allows referencing of

internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a

markup documents content and location information, thus identifying the location of a portion of content. Furthermore

it defines what areas of a document to publish content because it references the content with its position/location

information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code

shows href = "#Xpointer…." Thus the contents location is authored by being associated with link data using href,

Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located

externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier

however explicitly shows on page 3 paragraph 3 the application of Xpointer with implementation of stylesheet/layout

information. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the

binding elements of Hyatt to include reference to external content and style information using Xpointer of DeRose and

Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code

necessary in the markup document to reference external content and style information definitions.

Regarding Dependent claim 12, with dependency of claim 11, one or more discrete sections of machine readable data,

a first section defining the a layout document, a second section defining the at least one binding element and a third

section defining content, and a fourth section defining at least one style description.

Hyatt teaches the use of XML binding language which is a markup language for creating bindings to elements with

style information using a style sheet (see pg 1, abstract & pg 13, section 1.16 & pg 13-14 section 2.1). The binding

includes reference to content (pg 20, section 4 * pg 4, section 1.2). Thus a binding element supports multiple

definitions in a document (pg 17, section 2.5). Hyatt however fails to specifically show its application to portions of

content located externally using Xpointer. Thus DeRose teaches the use of Xpointer which allows referencing of

internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a

markup documents content and location information, thus identifying the location of a portion of content. Furthermore

it defines what areas of a document to publish content because it references the content with its position/location

information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code

shows href = "#Xpointer…." Thus the contents location is authored by being associated with link data using href,

Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located

externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier

however explicitly shows on page 3 paragraph 3 the application of Xpointer with implementation of stylesheet/layout

information. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the

binding elements of Hyatt to include reference to external content and style information using Xpointer of DeRose and

Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code necessary in the markup document to reference external content and style information definitions.

Regarding Dependent claim 13, with dependency of claim 12, the discrete sections form part of a single file of machine readable data or separate files of machine readable data.

Hyatt teaches the use of XML binding language which is a markup language for creating bindings to elements with style information using a style sheet (see pg 1, abstract & pg 13, section 1.16 & pg 13-14 section 2.1). The binding includes reference to content (pg 20, section 4 * pg 4, section 1.2). Thus a binding element supports multiple definitions in a document (pg 17, section 2.5). Hyatt however fails to specifically show its application to portions of content located externally using Xpointer. Thus DeRose teaches the use of Xpointer which allows referencing of internal structures for a markup document (see pg 3, section 1). Xpointer allows examination of internal structure of a markup documents content and location information, thus identifying the location of a portion of content. Furthermore it defines what areas of a document to publish content because it references the content with its position/location information. It also teaches its application using a director, such can be seen on page 22, section 5.4.4, wherein the code shows href = "#Xpointer...." Thus the contents location is authored by being associated with link data using href, Furthermore the director is defined as an attribute format. Although DeRose shows that content can be located externally and in portions of a markup document he fails to teach the use of Xpointer with Style information. Didier however explicitly shows on page 3 paragraph 3 the application of Xpointer with implementation of stylesheet/layout information. At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the binding elements of Hyatt to include reference to external content and style information using Xpointer of DeRose and Didier. The motivation for doing so would be to save significant time and memory by reducing the amount of code necessary in the markup document to reference external content and style information definitions.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references <u>should not be considered to be limiting in any way.</u> A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Response to Arguments

6.   Applicant's has not filed any specific arguments in the response dated 1/31/2008 as such no response is deemed

necessary.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS**

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of

this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to

Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH

8:30-3:00 Wed 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be

reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

(PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
May 9, 2008

/Manglesh M Patel/
Manglesh Patel

Examiner, Art Unit 2178

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/656,776	GIANNETTI, FABIO
	Examiner	**Art Unit**
	MANGLESH M. PATEL	2178